

OUTGOING AIRGRAM

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY Adell

DATE 9-20-52

Department of State

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A-86 June 6, ~~1952~~ 1952

Subject: FCN Treaty. Informal discussions.
Embassy's despatch No. 13, May 6,
enclosure No. 3.

Article XIX. With respect to the specific revisions proposed by the Japanese, the Department's authorizations are as follows:

(1) Reservation for coasting trade and inland navigation.

The Department is agreeable to transferring this matter from its present position in paragraph 3 to a new paragraph. It is suggested that the new provision should follow paragraph 5, and carry the temporary identification of "5-bis", inasmuch as paragraph 6 is concerned with definitions and should accordingly conclude the Article. The Department prefers the following wording, as being more concise and in keeping with the style of the treaty than that suggested by the Japanese:

"Notwithstanding any other provision of the present Treaty, each Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade and inland navigation, or may admit foreign vessels thereto only on a reciprocity basis."

(2) National fisheries. To be treated in a later airgram.

(3) Vessels in distress. The Japanese proposal that paragraph 5 be revised is acceptable to the Department in principle. The Department suggests, however, that the phrase "in like cases" in the seventh line be changed to "in like circumstances", that a few minor rhetorical changes be made, and that the second sentence be clarified, so that the paragraph would then read as follows:

"5. Vessels of either Party, in case of shipwreck, stranding, or of being forced to put into the ports, places and waters of the other Party, whether or not open to foreign commerce and navigation, shall enjoy the same assistance and protection as are in like cases enjoyed by vessels of such other Party or of any third country, and shall not be subject to any duties or charges other than those which would be payable in like circumstances by vessels of such other Party or of any third country. The cargoes of such vessels of either Party and all articles salvaged from them shall be exempt from customs duties unless entered for consumption within the territories of the

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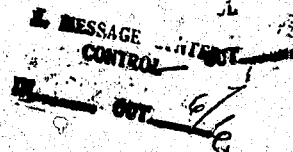
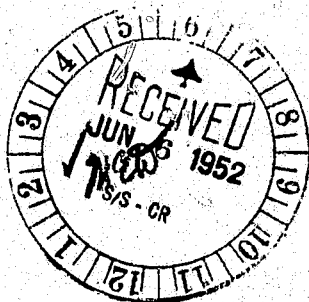
A-86 June 6, ~~1951~~ 1952

other Party; but articles not entered for consumption may be subject to measures for the protection of the revenue pending their exit from the country."

The term "entered for consumption" is believed to be technically more sufficient than "imported", and is the standard United States Customs terminology. Further, a proviso such as the last clause is regarded as prudent and normal, to clarify that the customs administration can require bonds or other safeguards. (Cf. Article XXIII, paragraph 2, Greek Treaty, and comparable provisions in various consular conventions).

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*(for initials see
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